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Kazis Act

Consultation of prominent Muslims regarding the appointment of the Kazi of Madras.

* 479 *Q.*—Mr. ABDUL HAMID KHAN: Will the hon. the Law Member be pleased to state whether the Government consulted the prominent Muslim citizens of Madras as to who was the fittest person for the office before appointing Mr. Fasi-ud-din as the Kazi of Madras and, if so, who those persons are?

A.—Yes. The Government consulted a number of prominent Muhammadan residents of the city before making the appointment. They do not consider it necessary to publish their names.

Mr. ABDUL HAMID KHAN:—"May I ask the hon. the Law Member (I wish I were asking the Home Member) what methods the Government adopted to consult public opinion and what are the criteria on the basis of which Muslim residents were selected for consultation on this question?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"The Government asked the Collector to consult the principal Muhammadan gentlemen."

Mr. ABDUL HAMID KHAN:—"May I know from the hon. the Law Member whether Government themselves did not consult public opinion besides the opinion of the Collector?"

The hon Diwan Bahadur M. KRISHNAN NAYAR:—"Government has not done so."

Mr. ABDUL HAMID KHAN:—"Did not the Government ask the Home Member for his opinion?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Oh, yes."

Mr. ABDUL HAMID KHAN:—"May I know what his opinion was?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"It is a Cabinet secret, Sir."

Mr. ABDUL HAMID KHAN:—"May I know if the Government had not asked the opinion of the friends of the Home Member?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No."

Mr. K. UPPI SAHIB:—"With reference to the last portion of the answer, may I know whether their names are so confidential?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Publication of their names will give rise to bad blood between persons holding conflicting and different opinions."

Mr. K. UPPI SAHIB:—"The names of persons who recommended other men at public meetings were public names and they were published. Are the names of the persons who recommended this particular individual confidential?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"The names of all who recommended."

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Mr. Basheer Ahmad Sayeed :—"May I know whether it is not a fact that the prominent Muhammadan residents alleged to have been consulted were no other than the members of a single family along with the Home Member in whose pay the nominee of the Government has been and is?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"No, Sir."

Mr. Sami Venkatachalam Chetti :—"May I know whether the present Government is aware that when the first appointment of the Kazi was made the names of the gentlemen who were consulted were published in the Government Order?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"My friend is under a misapprehension."

Mr. Sami Venkatachalam Chetti :—"Therefore am I right in supposing that the names of the gentlemen Government recommended were published in a Government Order?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"No."

Mr. Sami Venkatachalam Chetti :—"May I point out the Government Order?"

The hon. the President :—"Pointing out will not constitute a supplementary question."

Mr. Sami Venkatachalam Chetti :—"May I request the hon. the Law Member to read the Government Order?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"I have read it many times."

Mr. Sami Venkatachalam Chetti :—"May I point out that the names of some of the prominent gentlemen whom the Government consulted were published?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"Government asked their agent to consult some persons."

Mr. Sami Venkatachalam Chetti :—"May I know why the Government should fight shy of publishing the names?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"There was considerable bad blood already, and we did not want to add to it."

Mr. Sami Venkatachalam Chetti :—"When did this arise? Bad blood there was only recently. What prevented the Government from publishing them previous to that?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"There was no need."

Mr. A. Ranganatha Mudaliyar :—"The hon. the Home Member said that the persons consulted were not friends of the hon. the Home Member; what are his grounds?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"To my knowledge, they are not."

Mr. S. Satyamurti :—"Are they the enemies of the Home Member?" (Laughter).

The hon. Diwan Bahadur M. Krishnan Nayar :—"Neither are they enemies."

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Mr. S. SATYAMURTI :—" In view of the statutory provision contained in the Act, the Kazi Act, may I know why the local Government did not themselves consult the principal Muhammadan residents, but left it to a subordinate officer ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Collector is the agent of the Government."

Mr. G. HARISARVOTTAMA RAO :—" May I know if they did not protest even before this appointment ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" There was no protest before this appointment."

Appointment of a committee for selecting the Kazi of Madras.

* 480 Q.—Mr. ABDUL HAMID KHAN : Will the hon. the Law Member be pleased to state—

(*a*) whether G.O. No. 1909, Judicial, dated 10th August 1880, has been cancelled by the Government or is still in force ;

(*b*) whether the Government followed the procedure laid down by the said Government Order in appointing Mr. Fasi-ud-din ;

(*c*) whether under the said Government Order the Government are bound to appoint a committee to select the fittest person for the office of the Kazi and, if so, whether they consulted such a committee in appointing Mr. Fasi-ud-din ; and

(*d*) whether it is a fact that the Government had communicated the said Government Order to all the District Collectors at the time in order that the procedure laid down there may be followed in the appointment of Kazis ?

A.—(*a*) The Government Order has not been cancelled.

(*b*) & (*c*) A copy of the Government Order [a] is placed on the table of the House. It will be observed that the Government Order did not lay down any definite procedure to be followed in all cases of appointment of a Kazi for the Madras City.

(*d*) No.

Mr. ABDUL HAMID KHAN :—" May I know from the hon. the Law Member whether a large majority of the people that seemed to have been consulted were not in favour of the other gentleman who should have been appointed, namely, Kazi Moulvi Habib-ul-la ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir ; a large number were in favour of both." (Cries of 'Oh, Oh' from Opposition.)

Mr. ABDUL HAMID KHAN :—" Very wonderful that the Government should secure a large body of opinion in favour of both. I do not know on what basis the Government elected one of them ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Government consulted the Collector as I already said."

a Printed as Appendix II on page 345 infra.